

Matthew S. Warren (State Bar No. 230565)  
Erika H. Warren (State Bar No. 295570)  
22-3892@cases.warrenkashwarren.com  
WARREN KASH WARREN LLP  
2261 Market Street, No. 606  
San Francisco, California, 94114  
Tel: (415) 895-2940  
Fax: (415) 895-2964

David I. Berl (*pro hac vice*)  
Adam D. Harber (*pro hac vice*)  
Elise M. Baumgarten (*pro hac vice*)  
Melissa B. Collins (*pro hac vice*)  
D. Shayon Ghosh (State Bar No. 313628)  
Arthur John Argall III (*pro hac vice*)  
Andrew G. Borrasso (*pro hac vice*)  
WILLIAMS & CONNOLLY LLP  
680 Maine Avenue S.W.  
Washington, D.C., 20024  
Tel: (202) 434-5000  
Fax: (202) 434-5029

*Counsel for Plaintiffs Gentex Corporation  
and Indigo Technologies, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

GENTEX CORPORATION and INDIGO  
TECHNOLOGIES, LLC,

Plaintiffs,

THALES VISIONIX, INC.,

Involuntary Plaintiff,

v.

META PLATFORMS, INC. and META  
PLATFORMS TECHNOLOGIES, LLC,

Defendants.

Case No. 4:22-cv-03892-YGR

**DECLARATION OF ADAM D. HARBER  
IN SUPPORT OF PLAINTIFFS'  
MOTION TO FILE UNDER SEAL  
PORTIONS OF REPLY IN SUPPORT OF  
JOINT MOTION TO DISMISS**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Adam Harber, do hereby declare as follows:

2 1. I am an attorney licensed to practice law in the District of Columbia and admitted pro  
3 hac vice in this matter. I am counsel to voluntary plaintiffs Gentex Corporation (“Gentex”) and Indigo  
4 Technologies, LLC (“Indigo”) (collectively, “Plaintiffs”). I have personal knowledge of the matters  
5 set forth below and if called and sworn as a witness, I could and would testify competently to the facts  
6 set forth herein.

7 2. I make this declaration in accordance with Local Rule 7-11(a) and Local Rule 79-5(e)  
8 in support of Plaintiffs’ Administrative Motion to File Under Seal portions of the Reply in Support of  
9 the Joint Motion to Dismiss (the “Reply”).

10 3. The Reply refers to Exhibits A and B to the Joint Motion to Dismiss (“Motion”) filed  
11 by Plaintiffs and Defendants Meta Platforms, Inc. and Meta Platform Technologies, LLC (collectively  
12 “Meta”). Docket No. 139. Plaintiffs moved to maintain those Exhibits under seal because they reflect  
13 Plaintiffs’ confidential business information. *See* Docket No. 137; Docket No. 137-1 at ¶¶ 3–4.  
14 Certain portions of the Reply<sup>1</sup> discuss and/or quote from these Exhibits and also therefore reflect  
15 Plaintiffs’ sensitive business information. For the same reasons previously explained, making this  
16 information publicly available would cause substantial economic and competitive harm to Plaintiffs.  
17 *See* Docket No. 137-1 at ¶¶ 3–4.

18 4. Exhibit D to the Reply also discusses the confidential terms of Exhibit B to the Motion,  
19 as do the portions of the Reply<sup>2</sup> that cite to or quote from Exhibit D. For the same reasons as above,  
20 making this information publicly available would cause substantial economic and competitive harm  
21 to Plaintiffs.

22  
23  
24  
25 \_\_\_\_\_  
26 <sup>1</sup> These portions include: page 2, lines 24-27; page 3, lines 5-6; page 5, line 27; page 6, lines 19-24;  
27 page 7, lines 1-5, 12-13; page 7, lines 25-27; page 8, lines 6-7, 26-28; page 9, lines 6-7, 10, 14, 26-27;  
page 10, line 6; and page 11, lines 19-21.

28 <sup>2</sup> These portions include: page 2, line 3; page 7, line 21; page 10, line 22; and page 12, lines 27-28.

5. Other portions of the Reply<sup>3</sup> also discuss confidential business information of Plaintiffs, including the details of confidential licensing negotiations between Plaintiffs, Thales, and Meta. Such details constitute sensitive business information, not publicly available or publicly disclosed, which Plaintiffs maintain in the strictest confidence. To make publicly available these details about Plaintiffs' licensing activities would cause substantial economic and competitive harm to Plaintiffs.

6. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

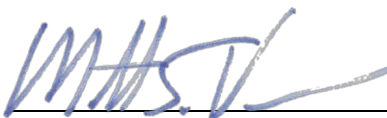
Executed this 7th day of February, 2024 in Washington, D.C.

/s/ Adam D. Harber  
Adam D. Harber

#### **SIGNATURE ATTESTATION**

Under Local Rule 5-1(i)(3), I attest that I have obtained concurrence in the filing of this document from the other signatory.

Dated: February 7, 2024

  
Matthew S. Warren

<sup>3</sup> These portions include: page 7, lines 12-14; page 8, lines 27-28; page 11, lines 1-18, 22-25; page 12, lines 1-6, 12-13; and page 13, line 11.